

ITEM NO.10+49

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CRL.) NO(s). 16 OF 2012 (FOR PREL. HEARING)

KUBER TOBACCO PRODUCTS P.LTD.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

(With appln(s) for ex-Parte stay and office report)

WITH W.P(CRL.) NO. 22 of 2012

(With appln. for ex-parte stay and office report)

Civil Appeal NO. 2281 of 2012

(With applns. For exemption from filing c/c of the impugned judgment, directions and office report)

W.P(CRL.) NO. 23 of 2012

(With appln. for ex-parte stay and office report)

W.P(CRL.) NO. 28 of 2012

(With appln. for directions and office report)

W.P(CRL.) NO. 29 of 2012

(With appln. for directions and office report)

Date: 27/02/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For the parties:

Mr. Shanti Bhushan, Sr. Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Ms. Indu Malhotra, Sr. Adv.

Mr. Saurabh Kirpal, Adv.

Mr. Karan Bhariyoke, Adv.

Mr. Vivek Jain, Adv.

Mr. R.K. Adsure, Adv.

Mr. G.K. Sarkar, Adv.

Mr. Vikas Upadhyay, Adv.

Mr. Nikhil Jain, Adv.

Mr. Rakesh Dahiya, Adv.

UPON hearing counsel the Court made the following

O R D E R

W.P.(CRL) NO. 16/2012

The issue involved in this matter has since been settled by this Court in the case of Om Prakash & Anr. Vs. Union of India and Anr. [W.P. (Cr1.) No. 66 of 2011], decided on 30th September, 2011, wherein the provisions of Section 155 Cr.P.C. have been considered in detail.

The petitioner will, therefore, be at liberty to proceed before the appropriate forum for the relief sought. The petitioner will be free to raise the contentions, raised in W.P.(Cr1.) 16/2012 [on board today], inter alia, relating to non-compliance with the provisions of Sections 155 Cr.P.C., before any other appropriate court or tribunal.

The writ petition is disposed of with the aforesaid observations.

W.P.(CRL) Nos. 22/2012 & 23/2012

These writ petitions are disposed of in the same terms as indicated above in W.P.(Cr1) No. 16/2012.

CIVIL APPEAL NO. 2281 OF 2012

As far as C.A. No. 2281 of 2012 is concerned, having heard learned counsel for the appellant, we are

not inclined to entertain the appeal and the same is dismissed.

W.P. (CRL) Nos. 28/2012 & 29/2012

Let Rule issue in these writ petitions, returnable two weeks hence. Let the Rule be served both in the usual course and also by way of Dasti service.

(G. SUDHAKARA RAO)
COURT MASTER

(JUGINDER KAUR)
ASSISTANT REGISTRAR

[SIGNED ORDER IN C.A. NO. 2281/2012 IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2281 OF 2012

KUBER TOBACCO PRODUCTS PVT. LTD. ... APPELLANT

VERSUS

COMMNR. OF CENTRAL EXCISE ... RESPONDENT

ORDER

Having heard learned counsel for the appellant, we are not inclined to entertain the appeal and the same is dismissed.

.....J.
(ALTAMAS KABIR)

.....J.
(SURINDER SINGH NIJJAR)

NEW DELHI,
27-02-2012